IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

Con.Case(C).No. 738 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.3176/2007

.....

: PETITIONER

DR.VIVEK NARAYAN, 28/3354, "VRINDHAVAN",
CHERUPUSHPAM LANE, KADAVANTHRA,
KOCHI-20.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.S.LAKSHMY

RESPONDENTS:

N.SUDAYA KUMAR, THE DIRECTOR OF
MEDICAL EDUCATION, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM.

BY ADV. SHRI.HOOD, GOVERNMENT PLEADER

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

COC No. 738 of 2007

Dated, this the 1st day of June, 2007

J U D G M E N T

Heard the learned counsel for the petitioner and the learned Government Pleader.

2. Petitioner did not get admission for Post Graduate Dental Course in the subject of his choice which is Oral & Maxillofacial Surgery. According to him, there is violation of judgment, in as much as, there were only two seats in the subject left after allotment for central quota and therefore there was no justification for allotting one of the seats to the in-service candidate because judgment permitted such allotment under reservation quota only when there are minimum three seats. Learned Government Pleader on the other hand submitted that total number of seats to be reckoned is 5. He said three seats were allotted to Central quota and out of the five only one is allotted to the service quota, which does not go against the judgment. Even though petitioner has a prima facie case to oppose the allotment because the total number of seats referred to in the judgment cannot be taken to include central quota for which State has no control, I do not think the

issue can be settled in contempt proceedings. The contempt is therefore closed leaving freedom to the petitioner to challenge the allocation, if it is illegal and against norms for reservation.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg